

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**ADAM SIMMONS,**

**Movant,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**No. 1:23-cv-01248-STA-jay**

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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Adam Simmons, an inmate at Coleman 1, Coleman, Florida, filed a pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. Because the motion did not comply with the Rules Governing Section 2255 Proceedings for the United States District, Simmons was ordered to file an amended motion on the official form for § 2255 motions. Simmons was warned that, if he failed to file an amended motion on the official form and signed under penalty of perjury within requisite time, the Court would close the case without further notice. Because it did not appear that Simmons had filed an amended motion, the Court dismissed Simmons' motion without prejudice, and judgment was entered.

Subsequently, the Court was made aware that Simmons had indeed filed an amended motion, but it did not contain the present case's docket number, 1:23-cv-01248-STA-jay; therefore, a new case was opened as 1:24-cv-01101-STA-jay. Simmons has now filed a motion asking the Court to set aside the judgment in this case. (ECF No. 9.) However, because the Court will decide Simmons' amended motion on the merits in the new case (1:24-cv-01101-STA-jay),

there is no need to set aside the judgment in 1:23-cv-01248-STA-jay, and his motion for reconsideration is **DENIED**.

Simmons is cautioned that he **must** include his new docket number, 1:24-cv-01101-STA-jay, on any filings in that case.

IT IS SO ORDERED.

**s/ S. THOMAS ANDERSON**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: July 3, 2024